

### **REMARKS**

Claims 1, 3-11, 13-15, and 17-44 are now pending in the application. Claims 1, 19, 34, 35, 36, and 39 are now amended. Claims 42-44 are now added. The claim amendments and new claims are fully supported by the application as filed and do not add new subject matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **TELEPHONIC INTERVIEW**

Applicant's representative, Brent G. Seitz, thanks Examiner Araj for the courtesies extended during the telephonic interview of June 13, 2006. During the interview, differences between the invention as claimed and the cited references were discussed. No agreements were reached.

### **CLAIM OBJECTIONS**

Claims 1 and 19 stand objected to as being unclear in scope. The Office Action requests that Applicant indicate whether the claims are directed to the combination or subcombination. Claims 1 and 19 are directed to the subcombination, the bone screw anchor. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objections to Claims 1 and 19.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3-11, 13-15, 17-34, and 34-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultheiss et al. (U.S. Pat. No. 6,755,835) in view of Wolf (U.S. Pat. No. 6,629,977). This rejection is respectfully traversed.

Amended Claim 1 recites, in part, “a proximal portion between said head and said intermediary portion, said proximal portion is devoid of external threads, said proximal portion has a diameter that is at least approximately the same as a diameter of said external threads of said intermediary portion.”

Amended Claim 19 recites, in part, “a neck portion between said head and said intermediary portion, said neck portion is devoid of external threads” and “wherein said bore includes internal threads confined to said neck portion.”

Amended Claim 34 recites, in part, “threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the bone cement region.”

The Schultheiss et al. reference appears to disclose, with reference to Figure 2, a bone screw having external threads that extend the entire length of the bone screw. The Schultheiss et al. reference fails to disclose or suggest “a neck portion between said head and said intermediary portion, said neck portion is devoid of external threads” or “wherein said bore includes internal threads confined to said neck portion,” as set forth in amended Claim 1. The Schultheiss et al. reference fails to disclose or suggest “a neck portion between said head and said intermediary portion, said neck portion is devoid of external threads” and “wherein said bore includes internal threads confined to

said neck portion,” as set forth in amended Claim 19. Finally, the Schultheiss et al. reference fails to disclose or suggest a step of “threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the bone cement region,” as set forth in Claim 34.

The Wolf reference appears to disclose, with reference to Figure 1, an interference screw having external threads that extend the entire length of the screw. The Wolf reference fails to disclose or suggest “a neck portion between said head and said intermediary portion, said neck portion is devoid of external threads” or “wherein said bore includes internal threads confined to said neck portion,” as set forth in amended Claim 1. The Wolf reference fails to disclose or suggest “a neck portion between said head and said intermediary portion, said neck portion is devoid of external threads” and “wherein said bore includes internal threads confined to said neck portion,” as set forth in amended Claim 19. Finally, the Wolf reference fails to disclose or suggest a step of “threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the bone cement region,” as set forth in Claim 34.

The Schultheiss et al. and the Wolf references each fail to disclose or suggest each and every feature of Claims 1, 19, and 34. Therefore, combination of these references fails to render obvious Claims 1, 19, and 34, as well as those claims dependent therefrom. Applicant respectfully requests reconsideration and withdrawal of

this Section 103 rejection of Claims 1, 19, and 34 and those claims dependent therefrom.

Claims 39-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultheiss et al. (U.S. Pat. No. 6,755,835) in view of Baker et al. (U.S. Pat. No. 5,569,251). This rejection is respectfully traversed.

Amended Claim 39 recites, in part, "fastening the implant to the anchor by threading the fastening device into the anchor to a depth not beyond a tip of the anchor with the implant between the anchor and the fastening device."

The Schultheiss et al. reference appears to disclose a bone screw with internal threads that cooperate with a bone cement delivery device. The Schultheiss et al. reference fails to disclose or suggest "fastening the implant to the anchor by threading the fastening device into the anchor to a depth not beyond a tip of the anchor with the implant between the anchor and the fastening device," as set forth in amended Claim 39.

The Baker et al. reference appears to disclose fastening an implant to bone using an anchor and a screw. The screw extends completely through the anchor. The Baker et al. reference fails to disclose or suggest "fastening the implant to the anchor by threading the fastening device into the anchor to a depth not beyond a tip of the anchor with the implant between the anchor and the fastening device," as set forth in amended Claim 39.

The Schultheiss et al. and the Baker et al. references each fail to disclose or suggest each and every feature of amended Claim 39. Therefore, combination of these references fails to render Claim 39, as well as those claims dependent therefrom,

obvious. Applicant respectfully requests reconsideration and withdrawal of this Section 103 rejection of Claim 39 and those claims dependent therefrom.

Combination of Schultheiss et al. and Baker et al. also fails to render obvious amended Claim 34, which recites "threading a fastening device into a threaded region of the bore to secure an implant such that the implant is secured between the fastening device and the anchor, the fastening device not extending to the bone cement region." Any rejection of Claim 34 based on these references would be improper. The Baker reference teaches away from this feature because it discloses inserting the fastener completely through the anchor, thus not providing a cavity for holding bone cement and making the Baker system inoperable for use with bone cement.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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